

EXHIBIT J

JONES DAY

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September 14, 2012

VIA EMAIL

Christy C. Wiegand
Assistant United States Attorney
United States Post Office and Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219

Re: United States of America v. Education Management Corp.,
Civil Action No. 07-461 (W.D. Pa.)

Dear Christy:

Thank you for bringing me up to date on your consideration of the issues we discussed yesterday. As an initial matter, I think it is preferable to focus on the substantive issues and for that reason, will not debate your inaccurate characterization of our conversation on the filing of separate Rule 26(f) reports.

With respect to your discussion of our position on ESI, so that there is no question in your mind, EDMC has preserved email and, while it does not believe email is relevant during a Phase I as we proposed it, that is an issue that will be determined by the Court at a later date.

The "of course not" comment you recall me making came in the context of your question as to whether we had preserved all data since 2003. Since the case was not filed until 2007 and was not surfaced by the Government until 2010, of course we could not represent that we have taken preservation steps since 2003. To the extent historic data still existed as of the time we reasonably anticipated litigation in 2010, the preservation efforts undertaken in 2010 would have encompassed such data as well. We also raised the point that, to the extent data has been lost by virtue of Plaintiffs' extraordinarily prolonged delay in putting Defendants on notice of this case, we would be raising those reverse spoliation issues at the appropriate time.

On the issue of retention policies since 2003, since you believe they are relevant, please let me know what representation the Government Plaintiffs can make with respect to the detail of their respective document retention policies and procedures since 2003.

With respect to your statement that "the United States does not speak for non-intervened states in this action," it was my understanding that your 26(f) report was being filed on behalf of "Plaintiffs." It also had been my impression that you were serving as point person on the 26(f) report on behalf of all Plaintiffs. If that is not the case, please let me know who I should contact regarding the preservation and potential discovery obligations of the Non-Intervening States.

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Finally, with respect to your proposal for a meet and confer on ESI, I have asked Mr. Bresch to contact you to get that scheduled and we are likewise happy to host it.

Very truly yours,



Laura E. Ellsworth